IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No. 2585 of 2005

Between:

Kolli Apparao, s/o Late Atchanna,
R/o Revallapalem, Madhurawada Village,

Visakhapatnam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Visakhapatnam Rural, Visakhapatnam.
2 Government of Andhra Pradesh, rep. by The District Collector,
Visakhapatnam District, Visakhapatnam.
3 Visakhapatnam Urban Development Authority, rep. by its Vice Chairman,

Vuda Complex, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in attempting to dispossess the petitioner from his land an extent of Ac. 2-86 cents in Survey No. 127/6 of Madhurwada Village, Visakhapatnam District without giving any notice, without conducting any enquiry and without passing any order as illegal, arbitrary, mala fide, ultravires, unjust and in flagrant violation of the principles of natural justice and to consequently direct the respondents not to dispossess the petitioner from the said lands excepting under the due process of law and to pass such other and further orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SARVA BHOUMA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: MR SUMOLENI REDDY

The Court at the stage of admission made the following:

ORDER:

The case of the petitioner is that he was granted a D-Form patta in respect of Ac.2.86 cents in Sy.No.127/6 of Madhurawada village and that he raised a fruit garden therein and that respondents high handedly are trying to dispossess him from the said land. He is seeking a declaration that the action of the respondents in attempting to dispossess him from Ac.2.86 cents in Sy.No.127/6 of Madhurawada village without cancelling the patta in his favour, is illegal, arbitrary and violative of the principles of natural justice, and consequently an order restraining the respondents from dispossessing him from the said land may be passed.

The relief sought by the petitioner is one for declaration of his title to the land in question and for a consequential injunction restraining the respondents from interfering with his possession over the said property. For the relief sought in this petition, petitioner has an effective alternative remedy of civil suit for declaration of his title and consequential injunction. Therefore, I find no grounds to admit the writ petition. Therefore, with a direction to both parties to maintain status quo obtaining as on today in respect to the land in question for a period of one week from today, the Writ Petition is disposed of. No order as to costs.

Dated: 15.02.2005

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1 The Mandal Revenu Officer Visakhapatnam Rural, Visakhapatnam.
2 The District Collector,

Visakhapatnam District, Visakhapatnam.
3 The Vice Chairman,Visakhapatnam Urban

Development Authority, Vuda Complex, Visakhapatnam.

4. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**AVLR**}*